

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:00CR00048-23(JAF)

**DANNY ORTIZ-PEREZ
A/K/A "PELUSAN"

**MOTION NOTIFYING VIOLATIONS OF THE SUPERVISED RELEASE TERM
REQUESTING THE ISSUANCE OF A WARRANT**

**TO THE HONORABLE JOSE A. FUSTE, CHIEF
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, **Yarixa Vázquez Marcano, United States Probation Officer** of this Court, presenting an official report on the conduct and attitude of Mr. Ortiz-Pérez, who on April 5, 2001, was sentenced to serve a sixty (60) month imprisonment term, to be followed by a four (4) year supervised release term, after having plead guilty of violating Title 21, United States Code, §846, conspiracy to distribute at least 3.5, but less than 5 kilograms of cocaine, a Class "B" felony. As special conditions of the supervision term, Mr. Ortiz-Pérez was ordered to refrain from any unlawful use of a controlled substances and submit to one drug test within 15 days of release on supervised release, at least two periodic tests thereafter, and whenever requested by the Probation Officer. If any such samples detects substance abuse, that the defendant participate in a substance abuse treatment program arranged and approved by the Probation Office until duly discharged by authorized program personnel with the approval of the Probation Officer.

On July 27, 2004, the Mr. Ortiz-Pérez was released from custody at which time his supervised release term commenced. On May 21, 2007, an informative motion was filed reporting violations of the supervised release term. On June 4, 2007, the Court reprimanded Mr. Ortiz-Pérez with the understanding that if he failed to comply with his conditions of supervise release once again, he will be subject to revocation proceedings. On February 6, 2008, a second motion was filed notifying the Court of additional violations uncurved by Mr. Ortiz Pérez, and requesting an extension of the supervision term. On February 6, 2008, the request was granted by Your Honor, and Mr. Ortiz-Pérez' supervision term was extended for an additional seven (7) months.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Ortiz-Pérez has once again incurred in the following violations of his conditions of supervision:

1. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER TWO (2)-
“The defendant should report to the probation officer and shall submit a truthful and complete supervision report within the first five days of each month.”

Since January 2008, Mr. Ortiz-Pérez has failed to submit the Monthly Supervision Reports (MSR) as required by his conditions and instructed by the Probation Officer.

2. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER THREE (3)-
“The defendant shall answer truthfully all inquires by the probation officer and follow the instructions of the probation officer.”

On June 6, 2008, Mr. Ortiz-Pérez failed to report to the office as instructed.

3. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER SIX(6) - “The defendant shall notify probation officer at least ten days prior to any change in residence or employment.”

On June 2, 2008, the Probation Officer called Mr. Ortiz-Pérez to inform him that an employment contact would be conducted on June 3, 2008. Mr. Ortiz-Pérez reported that was no longer working at the employment of record.

4. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER SEVEN (7) - “The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”

On March 4, May 8 and 20, 2008, Mr. Ortiz-Pérez reported for drug testing. All samples collected yielded a positive result to cocaine.

5. VIOLATION OF SPECIAL CONDITION - “If any such samples detect substance abuse, the defendant shall participate in a substance abuse treatment program arrange and approved by the U.S. Probation Officer, until duly discharged by authorized program personnel with the approval of the U.S. Probation Officer.”

On January 29, 2008, Mr. Ortiz-Pérez was referred to Consultores Psicológicos de P.R., an out-patient treatment program. Mr. Ortiz-Pérez was provided with individual counseling and transportation assistance. In order to continue with Mr. Ortiz-Pérez' relapse prevention plan, he was referred to Grupo Psicológico Dr. José Cangiano & Assoc., an out-patient treatment program close to his employment place in Ponce, P.R. Mr. Ortiz-Pérez was provided with individual counseling and urine surveillance. Mr. Ortiz-Pérez failed to report to treatment on June 3 and 10, 2008 and has not provided any excuse for his non-compliance.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct. In view of the aforementioned, it is respectfully requested that a warrant be issued so that Mr. Ortiz-Pérez may be brought before this Court to show cause why his supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 17 day of June 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER
s/Yarixa Vazquez-Marcano
Yarixa Vazquez-Marcano
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CERTIFICATE OF SERVICE

I HEREBY certify that on June 17, 2008, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Rosa E. Rodríguez, Acting U.S. Attorney and Joseph Laws, Federal Public Defender.

In San Juan, Puerto Rico, this 17 day of June 2008.

s/Yarixa Vazquez-Marcano
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